

**REMARKS**

In the new office action, the Examiner raises rejections based on two new pieces of prior art. First, the Examiner states that *Dimitriu* teaches a vacuum device for aiding with fetal extraction, and teaches each and every element of claims 1-12, but not claim 8. However, Applicant respectfully disagrees. *Dimitriu* is directed narrowly to monitoring only the tensile force during fetal extraction (column 5, line 55). As the Examiner and the Attorney for the Applicant previously discussed on the phone prior to the new office action, the forces in question are analogous to the forces present when a toilet-plunger is stuck to a window. By analogy, *Dimitriu* teaches the monitoring of the force that is present on the plunger handle when pulled, and, in fact, states that other forces are unimportant (column 5, line 55). However, absent a force on the handle, the plunger will stick to a window because of the pressure in the suction cup of the plunger. The present invention monitors additional forces, particularly the vacuum pressure present in the cup proximate to the fetal scalp (note, in claim 1, that the device is "enabled to detect a pressure in the tubing." rather than a "strain" or "traction force" as described by *Dimitriu* in his claim 1, and throughout his specification). The present invention has a pressure detection element; *Dimitriu* does not have a pressure detection element. In addition, *Dimitriu* does not teach or even suggest storing any such data, but rather pays attention only to using the force data in real time. Accordingly, the device of *Dimitriu* is incapable of detecting, reporting and monitoring and storing the pressure in the fetal extraction cup as claimed by the Applicant in claim 1, and thus can hardly be said to actually teach detecting, reporting and monitoring and storing the pressure in the fetal extraction cup. Accordingly, *Dimitriu* does not teach, show or suggest recording a vacuum pressure as claimed by the applicant in amended claim 1 and in claim 17, which also recites the act of recording a vacuum pressure. Withdrawal of any rejection to the claims based on *Dimitriu* is respectfully requested.

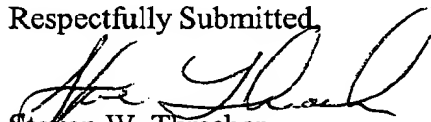
The Examiner also rejects claims 13-20 based on Hariri et al. The examiner states that Hariri teaches every element of (unamended) claim 13. Hariri teaches a stretchable cylindrical net-like structure having an inflatable guide-ring that fits about the throat of a fetus during birth.

Although Applicant disagrees with the Examiner's characterization of Hariri, Claim 13 has been amended to more clearly articulate the invention by more specifically calling out the limitations of using the invention with a vacuum device, and that the invention couples to a vacuum extraction device, and more particularly a vacuum extraction device having a suction device coupled thereto. Hariri does not teach, show or suggest coupling a monitoring device to a vacuum extraction device. Accordingly, it is believed that the invention as more clearly defined in amended claim 13 is patentably distinguishable from Hariri, and withdrawal of the rejection based on Hariri is respectfully requested.

Please note that the amendments did not broaden, but narrowed, the scope of the claims. Accordingly, the new grounds for rejection were not necessitated because of an action of the Applicant, but rather reflect a choice of prior art by the Examiner. Accordingly, the Office Action of the present response should be characterized as a "non-final" Office Action, and re-characterization of the Office Action is respectfully requested.

Thus, it is believed that pending Claims 1-8, 10-20 are allowable, and allowance of said claims will be respectfully requested upon approval of same. If the Examiner has any other matters which remain, the Examiner is encouraged to contact the under signed attorney to resolve these matters by Examiners Amendment where possible.

Respectfully Submitted,



Steven W. Thrasher

Reg. No. 43,192

Attorney for Applicant

Thrasher Associates, LLC  
391 Sandhill Dr., Suite 1600  
Richardson, Texas 75080  
Tel: (972) 918-9312  
Fax: (972) 231-2686

## VERSION WITH MARKINGS TO SHOW CHANGES MADE

13. (Amended) A pump-attachable device [for monitoring and recording] that monitors a vacuum pressure in a vacuum extraction device, comprising:

an adaptor enabled to attach to a pressure gauge receiver of a hand pump, the hand pump adapted to couple to a vacuum extraction device having a suction device coupled thereto;

an air pressure detector secured in the adapter such that the pressure detector is exposed to an air cavity in the hand pump; and

a cable coupled to the air pressure detector, the cable enabled to attach to a monitor for recording a detected vacuum pressure.